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MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

EXAMINER

SNIDER, THERESA T

| ART UNIT | PAPER NUMBER |
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1744

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,890

Applicant(s)

HANSEN, SAMUEL N.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "50" has been used to designate both circuit board(page 9, line 25) and wiring(page 10, line 25). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 804(figure 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: pages 1 and 7, the status of the copending application should be updated.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1744

5. Claims 1-2424 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, lines 6 and 9, it is believed that 'liquid' should be replaced with 'cleaning fluid' to correspond with line 7;

Line 6, 'a surface' should be replaced with 'the surface';

Line 21, it is unclear as to where the detector is located with respect to the other previously recited elements;

Line 24, 'floor' should be replaced with 'surface'.

Claim 3, line 2, it is unclear as to how the disk portion can be mounted 'to' one of the wheels without physically contacting the wheel, as stated in claim 2, line 3;

Line 3, the use of 'second' pick-up portion is confusing; is there a 'first' pick-up portion?

Claim 5, line 3, 'speed' should be deleted;

Line 4, 'floor' should be replaced with 'surface'.

Claim 6, line 3, 'speed' should be deleted.

Claim 7, line 4, 'speed' should be deleted.

Claim 8, line 14, 'a' should be replaced with 'the'.

Claim 9, line 1, 'the indicator' lacks proper antecedent basis.

Claim 10, line 2, 'a user' should be replaced with 'the user'.

Claim 11, line 2, 'the extraction head' lacks proper antecedent basis.

Art Unit: 1744

Claim 13, line 2, 'the at least two wheels' lack proper antecedent basis.

Claim 14, line 3, the use of 'second' pick-up portion is confusing; is there a 'first' pick-up portion?

Claim 16, line 3, 'speed' should be deleted;

Line 4, 'surface' should be inserted after 'floor'.

Claim 17, line 3, 'speed' should be deleted.

Claim 18, line 4, 'speed' should be deleted.

Claims 20-22, line 1, 'A' should be replaced with 'The'.

Claim 22, line 4, 'a user' should be replaced with 'the user'.

Claim 23, line 2, 'the speed signal' lacks proper antecedent basis.

Claim 24, line 1, 'a user' should be replaced with 'the user'.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 8, 12-14, 19-20 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hasegawa et al..

Hasegawa et al. discloses a housing (fig. 1, #1).

Hasegawa et al. discloses at least two wheels mounted on the housing (fig. 1, #5).

Art Unit: 1744

Hasegawa et al. discloses a liquid dispensing system mounted on the housing including a nozzle and fluid supply chamber (col. 4, lines 1-8).

Hasegawa et al. discloses a fluid recovery system mounted on the housing including a recovery chamber, suction nozzle and vacuum source (col. 5, lines 29-39).

Hasegawa et al. discloses a detector for sensing the speed of the housing across a surface (col. 3, lines 12-16).

Hasegawa et al. discloses an output device mounted on the housing and coupled to the detector for displaying the relative speed of the housing (col. 3, lines 19-30).

With respect to claims 2 and 13, Hasegawa et al. discloses the detector aligned with one of the wheels and not physically contacting the wheel (fig. 2, #6,5).

With respect to claims 3 and 14, Hasegawa et al. discloses the detector including a disk portion and a pick-up portion (fig. 2, #6,6s,7,5a,5).

With respect to claim 8, Hasegawa et al. discloses a handle mounted to the housing for grasping by a user (fig. 1, #1a).

With respect to claim 12, Hasegawa et al. discloses the fluid delivery and fluid recovery systems carried on the housing (fig. 1, #1,25,16).

With respect to claim 19, the apparatus of Hasegawa et al. would inherently provide the claimed method.

With respect to claim 20, Hasegawa et al. discloses the communicating step generating a visible signal (col. 3, lines 14-15).

With respect to claim 22, Hasegawa et al. discloses the signal being readable and understandable by a user (col. 3, lines 14-16).

Art Unit: 1744

8. Claims 19-20 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Field.

Field discloses moving an extraction cleaner across a floor surface (col. 2, lines 18-20).

Field discloses depositing a cleaning solution on the floor surface (col. 2, lines 44-45).

Field discloses recovering soiled cleaning solution from the floor surface (col. 2, lines 45-51).

Field discloses detecting the relative speed of the cleaner (col. 2, lines 56-65).

With respect to claims 19-20 and 22, Field discloses visually communicating to a user the detected speed (col. 5, lines 1-5).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 1744

11. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al..

Hasegawa et al. discloses a similar apparatus however fails to disclose the indicator mounted to the handle.

Hasegawa et al. discloses the indicator mounted on the housing (fig. 1, #1R). It would have been obvious to one of ordinary skill in the art to determine the most appropriate indicator location in Hasegawa et al. to allow for the greatest visibility to a user.

12. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Admitted State of the Prior Art, as set forth in the preamble of the Jepson claim(hereafter ASPA) in view of Kubo et al..

Kubo et al. discloses a detector for sensing the speed of a housing across a surface and an output device mounted on the housing for displaying the speed to a user (col. 6, lines 4-6, fig. 36). It would have been obvious to one of ordinary skill in the art to provide the speed detector of Kubo et al. in the ASPA to allow for a means to ensure uniform and constant application of fluid independent of the running speed of the housing.

With respect to claim 2, Kubo et al. discloses the detector being aligned with a wheel to detect the rotational motion thereof (fig. 3, #5,18).

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Field.

Field discloses a similar method however fails to disclose communicating the detected speed by way of an audible signal to the user.

Art Unit: 1744

Field discloses using an audible signal to alert a user (col. 5, lines 6-17). It would have been obvious to one of ordinary skill in the art to provide for an audible signal of the detected speed in Field to allow a user to not have to be continually looking at a display but able to perform other tasks.

14. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field as applied to claim 19 above, and further in view of Kubo et al..

Field discloses a similar method however fails to disclose comparing the detected speed to a reference speed.

Kubo et al. discloses comparing the detected speed of a housing across a floor surface to a reference speed (col. 6, lines 12-23). It would have been obvious to one of ordinary skill in the art to provide the speed comparison of Kubo et al. in Field to allow for adjustment of the depositing and recovering of fluid to match the actual speed of the housing.

With respect to claim 24, Field discloses alerting the user if there is a problem with the measurement (col. 5, lines 6-17).

Allowable Subject Matter

15. Claims 4-7, 11 and 15-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:
The prior art discloses an extractor with an extractor housing and a detector and output device for

Art Unit: 1744

sensing speed of the extractor housing over a surface and displaying the speed to a user, wherein the detector includes a disk-portion mounted to a wheel and a pick-up portion HOWEVER fails to disclose or fairly suggest the disk portion having alternating opposite-polarity magnetic segments thereon and the pick-up portion adapted to detect the rotational speed of the disk portion by detecting changes in the magnetic polarity of a particular segment of the disk portion located adjacent to the pick-up portion OR a handle pivotally mounted to the extractor housing.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Deschenes discloses a vacuum cleaner having a detector for detecting the speed of the housing as it travels over a surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 879-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

TTS *rs. S. A.*

11/17/03

Theresa T. Snider
Primary Examiner
Art Unit 1744